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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOEL P. ALCARMEN,

Plaintiff,

v.

JP MORGAN CHASE BANK, et al.,

Defendants.

No. C 10-05441 JSW

**ORDER RE J.P. MORGAN CHASE
BANK'S MOTION TO DISMISS**

On December 8, 2010, Defendant JP Morgan Chase Bank filed a motion to dismiss, which was noticed for hearing on February 1, 2011, and subsequently continued to February 8, 2011 by Magistrate Judge Elizabeth Laporte, to whom this case originally was assigned. However, on January 13, 2011, before his opposition to the motion was due, Plaintiff declined to proceed before Judge Laporte and this case was reassigned to the undersigned. In the reassignment Order, all parties were put on notice that “ALL MATTERS PRESENTLY SCHEDULED FOR HEARING ARE VACATED AND SHOULD BE RENOTICED FOR HEARING BEFORE THE JUDGE TO WHOM THE CASE HAS BEEN REASSIGNED.” (Docket No. 13 (Reassignment Order, emphasis in original).)

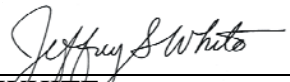
JP Morgan has not yet re-noticed its motion to dismiss for hearing before this Court. However, on January 25, 2011, it filed a statement of non-opposition, in which it asks the Court to grant its motion as unopposed. That request is DENIED. JP Morgan shall re-notice its motion to dismiss on an open and available date on this Court's law and motion calendar, which will then trigger a new briefing schedule on the motion to dismiss. If Plaintiff fails to file a

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timely opposition to JP Morgan’s motion, in accordance with that schedule, the Court will revisit the issue of whether it should grant the motion as unopposed.

IT IS SO ORDERED.

Dated: January 26, 2011



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA
4

5 JOEL P. ALCARMEN,
6 Plaintiff,

Case Number: CV10-05441 JSW

CERTIFICATE OF SERVICE

7 v.

8 JPMORGAN CHASE BANK et al,
9 Defendant.
10 _____/

11 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S.
12 District Court, Northern District of California.

13 That on January 26, 2011, I SERVED a true and correct copy(ies) of the attached, by
14 placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter
15 listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an
16 inter-office delivery receptacle located in the Clerk's office.

17 Joel P. Alcarmen
18 28470 Rochelle Ave.
19 Hayward, CA 94544-5452

20 Dated: January 26, 2011



Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk